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# JUDGE'S COPY

## IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

CLARENCE FRANKLIN,

Plaintiff,

v.

THE PENNSYLVANIA DEPARTMENT  
OF CORRECTIONS, MARTIN F. HORN,  
KENNETH D. KYLER AND ROBERT  
VIA

Defendants.

CIVIL ACTION NO. 1:CV-00-0238

FILED  
HARRISBURG, PA

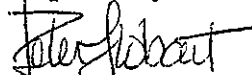
JUN 19 2000

MARY E. D'ANDREA, CLERK  
Per mm  
Deputy Clerk

### DEFENDANTS' MOTION TO STRIKE/WITHDRAW PLAINTIFF'S MOTION FOR SANCTIONS

Defendants hereby move that the Plaintiff's pending Motion for Sanctions be withdrawn or struck, pursuant to the attached, mutually agreed stipulation.

Respectfully submitted,



Peter Hebart  
Assistant Counsel  
Attorney ID # 83737

PA Department of Corrections  
55 Utley Drive  
Camp Hill, PA 17011  
(717) 731-0444

Dated: June 19, 2000

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

CLARENCE FRANKLIN,

Plaintiff,

v.

PENNSYLVANIA DEPARTMENT  
OF CORRECTIONS, et al.,


Defendants.

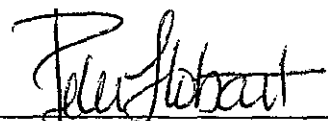
Civil Action No. 1:CV-00-0238

STIPULATION TO WITHDRAW MOTION FOR SANCTIONS

AND NOW, this 12th day of June, 2000, the undersigned counsel for the parties hereto have agreed to stipulate to the withdrawal of Plaintiff's counsel's pending Motion for Sanctions, as follows:

1. On June 5, 2000, Plaintiff's counsel filed a motion for sanctions, as a result of Defendant's counsel's inadvertent service of Defense counsel's Motion to Dismiss on Plaintiff rather than Plaintiff's counsel.
2. On June 12, 2000, Plaintiff's counsel and Defendants' counsel discussed and agreed that Plaintiff's counsel would withdraw such motion.
3. It is hereby stipulated that Plaintiff will withdraw pending motion for sanctions and the Court will dismiss this motion.

  
ANGELO L. CAMERON, ESQUIRE  
Counsel for Plaintiff,  
Clarence Franklin

  
PETER HOBART  
Counsel for Defendants,  
Pennsylvania Department of Corrections,  
Superintendent Kenneth Kyler,  
Secretary Martin F. Horn,  
Corrections Officer Robert Via

BY THE COURT:

\_\_\_\_\_  
YVETTE KANE, J.

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

CLARENCE FRANKLIN,

Plaintiff,

v.

THE PENNSYLVANIA DEPARTMENT  
OF CORRECTIONS, MARTIN F. HORN,  
KENNETH D. KYLER and  
ROBERT VIA,

Defendants.

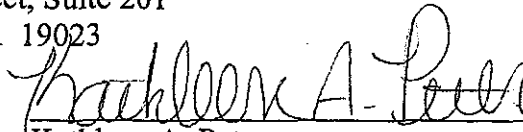
Civil Action No. 1:CV-00-0238

CERTIFICATE OF SERVICE

I hereby certify that I am this day depositing in the U.S. mail a true and correct copy of the foregoing Defendants' Motion to Strike/Withdraw Plaintiff's Motion for Sanctions upon the person(s) and in the manner indicated below.

Service by first-class mail  
addressed as follows:

Angelo L. Cameron, Esquire  
Fincourt B. Shelton, & Assoc., P.C.  
6 North 9<sup>th</sup> Street, Suite 201  
Darby, PA 19023

  
Kathleen A. Peter  
Clerk Typist II

PA Department of Corrections  
Office of Chief Counsel  
55 Utley Drive  
Camp Hill, PA 17011  
(717) 731-0444

Dated: June 19, 2000